



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,487	10/19/2005	Claudio Lacagnina	07040.0216-00000	4964
22852	7590	09/16/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER				
KNABLE, GEOFFREY L				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
09/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,487

Applicant(s)

LACAGNINA, CLAUDIO

Examiner

Geoffrey L. Knable

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34, 36-59, 61 and 63-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34, 36-59, 61 and 63-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2010 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 34, 36-53 and 67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 34, lines 21-22, applying both the tread and sidewalls by the delivery member are referred to whereas lines 16-20 seem to only define the delivery member as being for applying the tread. This raises some ambiguity in assessing the scope of the claim and especially whether both the sidewalls and tread are intended to be applied by the delivery member (especially given the deletion from the last four lines of the claim and introduction of new claim 67). Clarification is required.

In claim 34, line 25, the scope of what is meant by "starting from" is not readily ascertainable. In other words, what is "starting from" this position. As present, this even reads on for example simply starting rotation of the drum for starting the winding.

4. Claims 54-57, 59-61, 63 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/094545 to Marangoni taken in view of Ishii et al. (US 5,156,713 - newly cited).

WO '545 is applied for the same reasons as set forth in the last office action. As to the new language in the last lines of claim 54, WO '545 does not describe the specific motions of the drum (17) and transfer (21) that accompany the transfer in the specific figs. 8 and 10 embodiments. It is noted however that the illustrated double arrows for the drum (17) in station (40) would suggest a capability to move to the illustrated position of the transfer (21). Further, in view of Ishii et al., it is known in this art to effect the relative movement of a carcass drum and transfer device by moving the drum into the transfer device - note esp. movement of drum (119) toward transfer (141) in figs. 7, 9 and 13, this further being an acknowledged alternative to moving the transfer to the drum (note transfer 225 in fig. 14). In view of this teaching as well as the double arrowed movement capability illustrated in figs. 8 and 10, it would have been obvious to provide a capability of the drum to first move into the transfer for joining with the belt, this then requiring moving back to the tread building station (40) consistent with the new claim requirements - only the expected and predictable results would have been achieved. As to new claim 68, WO '545 also suggests strip winding of the sidewalls (e.g. fig. 11) which would require a delivery member for the 'trip.

5. Claims 34-42 and 45-53, 64, 65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/094545 to Marangoni, optionally taken in view of Ishii et al. (US 5,156,713 - newly cited).

WO '545 is applied for the same reasons as set forth in the last office action. As to the new language in the claim 34 with respect to each primary drum "starting from a position at which the primary drum interacts with the transfer member", WO '545 does not describe the specific motions of the drum (17) and transfer (21) that accompany the transfer in the specific figs. 8 and 10 embodiments. In any event, even if the transfer were effected at the position of station "40" (for strip winding the tread), this would still satisfy the new claim requirement as the rotation of the primary drum would be "started" from that position - the claim does not require anything more. In any event, even if this were read to require that the transfer occurs at a position other than where the belt is transferred, it is first noted that the illustrated double arrows for the drum (17) in station (40) would suggest a capability to move to the illustrated position of the transfer (21). Further, in view of Ishii et al., it is known in this art to effect the relative movement of a carcass drum and transfer device by moving the drum into the transfer device - note esp. movement of drum (119) toward transfer (141) in figs. 7, 9 and 13, this further being an acknowledged alternative to moving the transfer to the drum (note transfer 225 in fig. 14). In view of this teaching as well as the double arrowed movement capability illustrated in figs. 8 and 10, it would have been obvious to effect the transfer of the belt to the carcass in WO '545 by moving the drum into the illustrated position of the transfer "21" for joining with the belt, this then requiring moving the primary drum back to the tread building station (40) consistent with the new claim requirements - only the expected and predictable results would have been achieved. As to new claim 67, WO '545 also suggests strip winding of the sidewalls on the primary drum (e.g. fig. 11).

6. Claims 43, 44, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/094545 to Marangoni taken (optionally for claims 43/44) in view of Ishii et al. (US 5,156,713 - newly cited) as applied above, and further in view of at least one of [Caretta et al. (US 2001/0042586) and Oku et al. (US 2006/0096696)] substantively applied for the same reasons as set forth in the last office action.
7. Applicant's arguments filed 7/6/2010 have been fully considered but they are not persuasive.

The arguments stress the new language with respect to the starting position of the primary drum relative to the transfer position. This argument has however been treated within the statement of rejection both by emphasizing that claim 34 at present does not require that the transfer position differ from the position for building the tread and further in any event, in view of newly cited Ishii et al. as well as in view of the illustrated double arrows in the figs. 8 and 10 embodiments for the drum 17 at the station 40, it was considered obvious to transfer the belt to the carcass by movement of the drum to the transfer position illustrated in fig. 8 and 10 for only the expected and predictable results - see the statement of rejection above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
September 13, 2010